

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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RILTON HARRY,

Plaintiff,

-against-

THE CITY OF NEW YORK, P.O. JOSE
FERNANDEZ (SHIELD No. 626), SERGEANT
SHARETTE DELISSA (SHIELD No. 1018), P.O.
JESSICA TORRES (SHIELD No. 1909), and JOHN
DOE and JANE DOE,

Defendants.
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MEMORANDUM DECISION
AND ORDER

20 Civ. 5951 (GBD)

GEORGE B. DANIELS, District Judge:

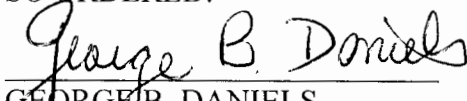
Presently before this Court is the Plaintiff's appeal of Magistrate Judge Sarah Netburn's October 28, 2022 order denying Plaintiff's motion to correct a deposition transcript. (ECF No. 81.) The standard to be used by a district court in reviewing a magistrate judge's determination of a non-dispositive issue is the "clearly erroneous or contrary to law" standard. *See* Fed. R. Civ. P. 72(a), 28 U.S.C. § 636(b)(1)(A); *Thomas E. Hoar, Inc. v. Sara Lee Corporation*, 900 F.2d 522 (2d Cir. 1990). Plaintiff's motion is a non-dispositive matter and he has not argued to the contrary. Plaintiff argues in his papers that Magistrate Judge Netburn erred in finding that Plaintiff had failed to establish his entitlement to relief, and that the burden to the Court that would result from having to listen to the audio recording of the deposition outweighs the benefit in doing so. (*See generally*, ECF No. 81.)

Plaintiff has not convinced this Court that Magistrate Judge Netburn's decision was clearly erroneous or contrary to law. In any event, this Court has reviewed the testimony in dispute and finds it immaterial to the resolution of Defendants' pending motion for summary judgment or to

Plaintiff's claims in this action more generally. Therefore, Magistrate Judge Netburn's decision will stand and Plaintiff's appeal, (ECF No. 81), is DENIED.

Dated: December 9, 2022
New York, New York

SO ORDERED.



GEORGE B. DANIELS
United States District Judge